

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	
)	
Plaintiff,)	Civil Action No. 11-cv-589
)	
v.)	
)	
MERRILL PINE RIDGE, LLC, d/b/a NEW PINE RIDGE RESTAURANT,)	COMPLAINT (Jury Trial Demand)
)	
)	
Defendant.)	
)	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (“Title VII”), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to Sherry L. Brown and other female employees of defendant Merrill Pine Ridge, LLC d/b/a New Pine Ridge Restaurant (the “Restaurant”), who were adversely affected by such practices.

As alleged with greater particularity below, the Restaurant violated, and continues to violate, Title VII by maintaining a policy and practice of sexually harassing Brown and a class of female employees who were adversely affected by such practices when an employee at the Restaurant in Merrill, Wisconsin, subjected them to a sexually hostile working environment based on their gender and the Restaurant did not exercise reasonable care to prevent and promptly correct the sexually harassing behavior. Also as alleged with greater particularity below, the Restaurant violated Title VII when it retaliated against Brown and other female employees by terminating their employment after they complained of the sexual harassment.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 (“Title VII”), as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were, and are now being, committed within the jurisdiction of the United States District Court for the Western District of Wisconsin.

PARTIES

3. The plaintiff, the Equal Employment Opportunity Commission (“EEOC”), is the agency of the United States of America charged with administering, interpreting, and enforcing Title VII, and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, defendant New Pine Ridge Restaurant, Inc. (the “Restaurant”) has continuously been a Wisconsin corporation doing business in the State of Wisconsin and the City of Merrill, and has continuously had at least 15 employees.

5. At all relevant times, the Restaurant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

STATEMENT OF CLAIMS

6. More than 30 days prior to the institution of this lawsuit, Sherry L. Brown filed a charge with the EEOC alleging violations of Title VII by the Restaurant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 2008, the Restaurant has engaged in unlawful employment practices at its facility at 300 Pine Ridge Avenue, Merrill, Wisconsin, in continuing violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), as follows: one or more male employees of the Restaurant subjected Sherry L. Brown and other female employees of the Restaurant to sexual harassment (including, but not limited to, crude sexual remarks and unwanted touching of their breasts), which created a sexually hostile and offensive work environment. Despite actual or constructive notice of the situation, the Restaurant failed and refused to take prompt and appropriate action to correct the harassment and the resulting hostile environment.

8. Since at least 2008, the Restaurant engaged in unlawful employment practices in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a), when it retaliated against Sherry L. Brown and other female employees by terminating their employment after they complained of the sexual harassment described in Paragraph 7 above.

9. The effect of the practices complained of in Paragraphs 7 and 8 above has been to deprive Sherry L. Brown and a class of female employees of equal employment opportunities, and to otherwise adversely affect their status as employees, because of sex.

10. The unlawful employment practices complained of in Paragraphs 7 and 8 above were intentional.

11. The unlawful employment practices complained of in Paragraphs 7 and 8 above were, and are, done with malice or with reckless indifference to the federally protected rights of Sherry L. Brown and other female employees of the Restaurant who were adversely affected by such practices based on their sex.

PRAYER FOR RELIEF

Wherefore, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Restaurant and its officers, successors, and assigns, and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of sex or retaliation.

B. Order the Restaurant to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Restaurant to make whole Sherry L. Brown and other female employees of the Restaurant by providing appropriate back pay with pre-judgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including rightful-place reinstatement.

D. Order the Restaurant to make whole Sherry L. Brown and other female employees of the Restaurant by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraphs 7 and 8 above, in amounts to be determined at trial.

E. Order the Restaurant to make Sherry L. Brown and other female employees of the Restaurant whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in Paragraphs 7 and 8 above, including (but not limited to) emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order the Restaurant to pay Sherry L. Brown and other female employees of the Restaurant punitive damages for its malicious and reckless conduct described in Paragraphs 7 and 8 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the EEOC its costs of this action.

JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its complaint.

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Associate General Counsel

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Dated: August 22, 2011

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